

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PHILIP W. ELLISON,

Plaintiff,

Case No. 13-13121

v.

Hon. Patrick J. Duggan

JP MORGAN CHASE BANK, DONALD  
P KING, TROTT & TROTT, DOUGLAS  
P. SHEPHERD, and ANTHONY M.  
WICKERSHAM,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION FOR  
APPEALABLE DECISION**

On July 19, 2012, *pro se* Plaintiff Philip Ellison initiated this action against five defendants by filing a seven-count complaint with this Court. In August of 2013, the various defendants sought dismissal of Plaintiff's Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6) and 56. After carefully reviewing Plaintiff's Complaint, the various motions filed by defendants (as well as a motion for default judgment filed by Plaintiff), and Plaintiff's responses to those motions, the Court dismissed Plaintiff's Complaint in its entirety against all defendants on October 31, 2013.<sup>1</sup> (ECF No. 29.) That same day, the Court entered Judgment

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<sup>1</sup> Some of Plaintiff's claims were dismissed with prejudice while others were dismissed without prejudice. *See* Oct. 31, 2013 Op. & Order, ECF No. 29; J. ECF No. 30. The Court also denied Plaintiff's default judgment motion. *See* Oct. 31, 2013 Op. & Order, ECF No. 29; J. ECF No. 30.

dismissing Plaintiff's Complaint. (ECF No. 30.) On January 14, 2014, the Court denied Plaintiff's Motion for Reconsideration. (ECF No. 33.)

Presently before the Court is Plaintiff's Motion for Appealable Order filed on January 29, 2014 "pursuant to" Federal Rule of Civil Procedure 11 and Civil Rules 3(a)(iii) and 53 (D)(3)(b).<sup>2</sup> (ECF No. 34.) Notwithstanding Plaintiff's perplexing citation to Rule 11 and other non-existent civil rules, the remedy Plaintiff seeks ("the ability to seek a remedy in a higher court[]") was available as soon as this Court entered Judgment on October 31, 2013. This Judgment is a final, and therefore appealable, order. Plaintiff's Motion for Appealable Order, therefore, is moot.

Accordingly,

**IT IS ORDERED** that Plaintiff's Motion for Appealable Decision (ECF No. 34) is **DENIED AS MOOT**.

Dated: March 3, 2014

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

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<sup>2</sup>

Civil Rules 3(a)(iii) and 53(D)(3)(b) do not appear in the Federal Rules of Civil Procedure, the Eastern District of Michigan Local Rules, the Federal Rules of Appellate Procedure, the Sixth Circuit Rules of Appellate Procedure, or the Sixth Circuit's Internal Operating Procedures.

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